



PATENT  
Attorney Docket No. 04329.03180

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
**Shoji MIMOTOGLI et al.** ) Group Art Unit: **1756**  
)  
Serial No.: **10/705,954** ) Examiner: **Stephen D. Rosasco**  
)  
Filed: **November 13, 2003** ) Confirmation No. 6725  
)  
For: **METHOD FOR EVALUATING** )  
**PHOTO MASK AND METHOD FOR** )  
**MANUFACTURING SEMICONDUCTOR** )  
**DEVICE** )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

12/26/2006 HMARZ11 00000018 10/05954  
02 FC:1814 130.00 0.1

Sir:

**TERMINAL DISCLAIMER**

Assignee, Kabushiki Kaisha Toshiba, duly organized under the laws of Japan and having its principal place of business at 1-1, Shibaura 1-Chome, Minato-Ku, Tokyo, Japan, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 10/705,954, filed November 13, 2003 for Method for Evaluating Photo Mask and Method for Manufacturing Semiconductor Device in the names of Shoji Mimotogi, Shigeki Nojima, and Osamu Ikenaga, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015161, Frame 0094 on March 31, 2004. Assignee, Kabushiki Kaisha Toshiba, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 7,008,731, as indicated by assignment duly recorded in the

United States Patent and Trademark Office at Reel 013816, Frame 0530 on February 28, 2003.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 7,008,731, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.


Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.



Dated: December 21, 2006

By:

  
Richard V. Burgujian  
Reg. No. 31,744